

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MIKE LANE,

Plaintiff,

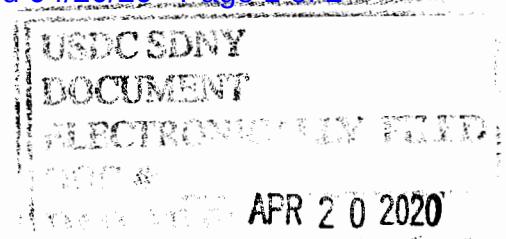
-against-

TOWN OF CORTLANDT, INC., et al.,

Defendants.

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ORDER

16 Civ. 8491 (GBD)



GEORGE B. DANIELS, United States District Judge:

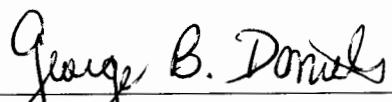
On October 28, 2016, Plaintiff filed a notice of removal from the underlying state recovery petition in this action. On December 21, 2016, this Court found that the state recovery petition failed to allege or raise a federal question and remanded this action to state court for lack of subject matter jurisdiction. Plaintiff then filed a letter motion to vacate this Court's order, which this Court denied on June 12, 2017. Over thirty-six months after this Court's remand order, on January 13, 2020, Plaintiff filed a motion for relief from final judgment under Federal Rule of Civil Procedure 60(b)(6). Finally, on March 30, 2020, Plaintiff submitted a letter entitled "Failure to Rule on Motion and Time for Holding Issue Under Advisement," which this Court considers to be a supplemental letter to the Plaintiff's Rule 60(b)(6) motion.

A Rule 60(b) motion must be made within a reasonable time. Fed. R. Civ. P. 60(c)(1). Plaintiff filed the instant motion over three years after this Court's order remanding this action to state court for lack of subject matter jurisdiction. Such a period can hardly be described as "reasonable." Further, even if Plaintiff had filed his Rule 60(b)(6) motion within a reasonable time, the underlying state recovery petition fails to allege or raise a federal question.

Plaintiff's motion for relief from final judgment is DENIED.

Dated: New York, New York
April 20, 2020

SO ORDERED.


George B. Daniels
GEORGE B. DANIELS
United States District Judge